

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARIA TAPIA-RENDON, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

WORKEASY SOFTWARE, LLC

Defendant.

Case No. 1:21-cv-3400

**SECOND AMENDED CLASS ACTION COMPLAINT
AND DEMAND FOR JURY TRIAL**

Plaintiff Maria Tapia-Rendon, individually and on behalf of all others similarly situated, brings this Amended Class Action Complaint and Demand for Jury Trial against Defendant WorkEasy Software, LLC (“WorkEasy”). Plaintiff alleges the following based upon personal knowledge as to Plaintiff’s own experiences, and as to all other matters upon information and belief, including investigation conducted by Plaintiff’s attorneys.

NATURE OF THE CASE

1. This class action alleges violations of the Biometric Information Privacy Act, 740 ILCS 14/1–99 (“BIPA”).
2. Since 2008, BIPA has imposed a notice-and-consent requirement on companies possessing biometric data like fingerprints, voiceprints, and faceprints.
3. United Tape obtained and disclosed Plaintiff’s biometrics without proper notice and consent. WorkEasy obtained, disclosed, and failed to secure Plaintiff’s biometrics, also without proper notice and consent. Accordingly, Plaintiff seeks statutory damages, attorneys’ fees, costs, and injunctive relief as authorized by BIPA.

PARTIES

4. Plaintiff is a citizen of Illinois and a resident of Joliet, Illinois.

5. WorkEasy is a Delaware limited liability company headquartered in Pembroke Pines, Florida. None of WorkEasy's members are Illinois citizens.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction under 28 U.S.C. § 1332(d)(2) because this is a class action in which a defendant is a citizen of states different than class members, and because the amount in controversy exceeds \$5,000,000.00.

7. This Court has personal jurisdiction over WorkEasy because it conducts substantial business in this State, including knowingly selling the biometric devices at issue for use in this State, and capturing Plaintiff's and the class members' biometrics in this State.

8. Venue is proper in this Court under 28 U.S.C. § 1391 because Plaintiff resides in Will County, which is within this District; because Plaintiff had her biometrics unlawfully collected from DuPage County, which is within this District; and because this lawsuit arises out of Defendant's conduct in DuPage County, which is within this District.

FACTUAL BACKGROUND

9. WorkEasy develops and sells workplace software and equipment, including biometric timeclocks and enrollment devices such as the EC10, EC20, EC200, EC500, EC700, Xenio10, Xenio20, Xenio200, Xenio500, Xenio700, TL200, TL250, and TL500 (collectively, the "Biometric Devices").

10. The Biometric Devices can operate with two versions of software: on-premises, or cloud-based. On-premises software operates entirely on the equipment of the WorkEasy customer. The cloud-based software functions by connecting to cloud-based software operated

by WorkEasy on servers it rents from a third party. Plaintiff's and the WorkEasy Class's claims pertain to the cloud-based software.

11. The Biometric Devices use fingerprint sensors to enroll workers in WorkEasy's timekeeping software and to allow them to clock in and out of shifts and breaks using their fingerprints.

12. The first time a worker uses a Biometric Device, they have to set up a profile by placing their finger on the scanner. WorkEasy's software scans the person's fingerprint and maps the geometry of the fingerprint. The worker must then scan the same fingerprint twice more, to allow WorkEasy's software captures a reference template: a mathematical representation of the fingerprint that can be stored and used for comparison against scanned fingerprints.

13. Each time a worker subsequently uses one of WorkEasy's biometric timeclocks,¹ WorkEasy's software scans the worker's fingerprint, converts it into an algorithmic representation of the fingerprint, and compares that representation to the stored reference templates to identify the worker.

14. The Biometric Devices are internet enabled, and WorkEasy's cloud-based software allows workers to view information about their shifts, employers to collect information from workers at clock in/out, employers to deliver messages to workers, and WorkEasy to access the data collected through the Biometric Devices.

¹ The EC200, EC500, EC700, Xenio200, Xenio500, Xenio700, TL200, TL250, and TL500 are all biometric timeclocks, meaning that they can be used to enroll workers' fingerprints in the timekeeping system, and can be used by workers to clock in and out. The EC10, EC20, Xenio10, and Xenio20 are enrollment devices, which are fingerprint scanners that attach to computers via USB connection, and are used only for the process of enrolling fingerprints in timekeeping systems.

15. For Biometric Devices using WorkEasy's cloud-based software, WorkEasy stores the data collected through the Biometric Devices, including reference templates, on servers leased from a third party named Vault Networks, Inc.

16. Vault Networks was administratively dissolved as a corporation by the State of Florida in 2016, but continues to provide cloud-storage services to WorkEasy to this day.

17. Within the biometric-technology industry, it is standard practice to encrypt information collected through biometric equipment, including reference templates and other forms of biometric information.

18. During the Subclass period, WorkEasy did not encrypt the data collected from its Biometric Devices and stored on the servers leased from Vault Networks, including the reference templates collected from Plaintiff and the WorkEasy Class.

19. During the Subclass period, WorkEasy did use encryption or similar, cryptographic security measures for its own sensitive information, including passwords and information stored on the Biometric Devices themselves.

20. Plaintiff was employed by a staffing agency and assigned to work at a Woodridge, Illinois facility operated by former defendant United Tape & Finishing Co., Inc. ("United Tape").

21. United Tape purchased a TimeLogix TL250 timeclock with cloud-based software from WorkEasy, and used it to track employee hours at United Tape's Woodridge, Illinois facility.

22. United Tape required hourly workers at the Woodridge facility, including Plaintiff, to clock in and out of shifts and breaks with the TL250 biometric timeclock.

23. Plaintiff stopped working at United Tape's Woodridge facility, and stopped using WorkEasy Biometric Devices, in January 2021.

24. WorkEasy did not explain its Biometric Devices' functionality to the workers using them, including Plaintiff.

25. WorkEasy did not tell workers using its Biometric Devices, including Plaintiff, how it used data collected through them.

26. WorkEasy did not tell workers using its Biometric Devices, including Plaintiff, how long it kept data collected through its Biometric Devices.

27. Workers using WorkEasy's Biometric Devices, including Plaintiff, did not consent to WorkEasy's capture and collection of their fingerprints or the identifying data derived from them.

28. BIPA has been the law of the State of Illinois since 2008.

29. At the beginning of the class period, June 24, 2016, BIPA had been in effect for eight years.

30. By the beginning of the class period, BIPA had also been in the news for some time. Facebook had been sued for BIPA violations over a year earlier,² and the case had already resulted in headline-generating rulings.³ Google and Shutterfly had likewise found themselves in the news for alleged BIPA violations.⁴

² See Tony Briscoe, *Suit: Facebook facial recognition technology violates Illinois privacy laws*, Chicago Tribune (Apr. 1, 2015), <https://www.chicagotribune.com/news/breaking/ct-facebook-facial-recognition-lawsuit-met-story.html>.

³ Russell Brandom, *Lawsuit challenging Facebook's facial recognition system moves forward*, The Verge (May 5, 2016), <https://www.theverge.com/2016/5/5/11605068/facebook-photo-tagging-lawsuit-biometric-privacy;>.

⁴ Christopher Zara, *Google Gets Sued Over Face Recognition, Joining Facebook And Shutterfly In Battle Over Biometric Privacy In Illinois*, International Business Times (Mar. 4, 2016), <https://www.ibtimes.com/google-gets-sued-over-face-recognition-joining-facebook-shutterfly-battle-over-2330278>.

31. Throughout the class period, then, BIPA was well known, and its obligations clear.

CLASS ALLEGATIONS

32. Plaintiff brings this action on behalf of the following classes of similarly situated individuals:

Class: All individuals who used any cloud-based WorkEasy Biometric Device in the State of Illinois on or after June 24, 2016 and on or before August 15, 2023.

Subclass: All WorkEasy Class members who used a cloud-based WorkEasy Biometric device in the State of Illinois on or before April 30, 2022.

33. Excluded from the Classes are any members of the judiciary assigned to preside over this matter, any officer or director of Defendant, counsel for the Parties, and any immediate family member of any of the same, along with any individual who has timely submitted a request for exclusion from the Class..

34. Upon information and belief, the Class includes over 21,000 individuals, and the WorkEasy Subclass includes over 19,000 individuals. The Class and Subclass are therefore so numerous that joinder of all members is impracticable. The precise number of Class members can be determined by reference to Defendant's records.

35. Plaintiff's claims are typical of the proposed Class members'. Plaintiff's claims have the same factual and legal bases as the proposed Class members', and Defendant's conduct has resulted in identical injuries to Plaintiff and the other members of the Classes.

36. Common questions of law and fact will predominate over any individualized inquiries. Those common questions include:

- a. Whether Defendants possessed the Class members' biometric identifiers or biometric information;

- b. Whether Defendant published a written policy establishing a retention schedule and biometric-destruction guidelines; and
- c. Whether Defendant collected the Class members' biometric identifiers or biometric information;
- d. Whether Defendant disclosed the Class members' biometric identifiers or information;
- e. Whether Defendant obtained written releases prior to collecting the Class members' biometrics;
- f. Whether Defendant informed the Class members, in writing, of the purposes and duration for which their biometrics would be collected and stored;
- g. Whether Defendant obtained the Class members' consent prior to disclosing their biometrics; and
- h. Whether Defendants are liable for \$5,000 or only \$1,000 per BIPA violation.

37. Absent a class action, most Class members would find their claims prohibitively expensive to bring individually, and would be left without an adequate remedy. Class treatment of the common questions is also superior because it conserves the Court's and Parties' resources and promotes efficiency and consistency of adjudication.

38. Plaintiff will adequately represent the Class. Plaintiff has retained counsel experienced in biometric class actions. Plaintiff and Plaintiff's counsel are committed to vigorously litigating this action on the Class's behalf and have the resources to do so. Neither Plaintiff nor Plaintiff's counsel have any interest adverse to the Class.

39. Defendant has acted on grounds generally applicable to Plaintiff and the Class, requiring the Court's imposition of uniform relief, including injunctive and declaratory relief to the Classes.

COUNT 1
Violation of 740 ILCS 14/15(a)
On Behalf of Plaintiff and the Class

40. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

41. WorkEasy is a limited liability company and is therefore a private entity. 740 ICLS 14/10.

42. By capturing and collecting Plaintiff's and the Class's fingerprints through the Biometric Devices, WorkEasy possessed Plaintiff's and the Class's biometric identifiers. 740 ILCS 14/10.

43. By converting Plaintiff's and the Class's fingerprints to reference templates, using those reference templates to identify Plaintiff and the Class members, and storing those reference templates on cloud-based servers, WorkEasy possessed Plaintiff's and the Class's biometric information. 740 ILCS 14/10.

44. While WorkEasy was in possession of Plaintiff's and the Class's biometric identifiers and information, WorkEasy failed to maintain a publicly available retention schedule detailing the length of time it would maintain Plaintiff's and the Class's biometrics and guidelines for permanently destroying the same. 740 ILCS 14/15(a).

45. Moreover, while EasyWorkforce possessed Plaintiff's and the Class's biometric identifiers and information, EasyWorkforce did not have any policies in place for destroying biometric identifiers and information when the purpose for collecting them had been satisfied. To the contrary, EasyWorkforce's policy was to retain those biometric identifiers and biometric information indefinitely.

46. WorkEasy continued to retain Plaintiff's and the Class members' templates even after they had stopped using WorkEasy's Biometric Devices, despite the purpose for WorkEasy's possession having expired. 740 ILCS 14/15(a).

47. Accordingly, individually and on behalf of the Class, Plaintiff respectfully seeks an order: (a) declaring that WorkEasy's actions as set forth herein violate 740 ILCS 14/15(a); (b) awarding injunctive and equitable relief as necessary to protect the Class; (c) finding WorkEasy's conduct intentional or reckless and awarding \$5,000 in damages per violation, per Class member, as authorized by 740 ILCS 14/20(2); (d) awarding Plaintiff and the Class their reasonable attorneys' fees, costs, and other litigation expenses under 740 ILCS 14/20(3); (e) awarding Plaintiff and the Class pre- and post-judgment interest; and (f) awarding such other and further relief as the Court deems equitable and just.

COUNT 2
Violation of 740 ILCS 14/15(b)
On Behalf of Plaintiff and the Class

48. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

49. WorkEasy is a limited liability company and is therefore a private entity. 740 ICLS 14/10.

50. By scanning and maintaining reference templates and associated timekeeping information through the cloud-based Biometric Devices, WorkEasy captured, collected, and obtained Plaintiff's and the Class's biometric information. 740 ILCS 14/10.

51. Through its cloud-based biometric timeclock software, WorkEasy captured, collected, received through trade, or otherwise obtained Plaintiff's and the Class's biometric information.

52. Prior to capturing, collecting, receiving, and obtaining Plaintiff's and the Class's biometric information, WorkEasy did not inform Plaintiff and the Class in writing that their biometrics were being collected, stored, and used. 740 ILCS 14/15(b)(1).

53. Prior to capturing, collecting, receiving, and obtaining Plaintiff's and the Class's biometric identifiers and information, WorkEasy did not inform Plaintiff and the Class or their

legally authorized representatives of the specific purpose for which their biometrics were being collected, stored, and used. 740 ILCS 14/15(b)(2).

54. Prior to capturing, collecting, receiving, and obtaining Plaintiff's and the Class's biometric identifiers and information, WorkEasy did not inform Plaintiff and the Class or their legally authorized representatives of the length of time that their biometrics would be maintained. 740 ILCS 14/15(b)(2).

55. Prior to capturing, collecting, receiving, and obtaining Plaintiff's and the Class's biometric identifiers and information, WorkEasy did not obtain a written release authorizing such collection. 740 ILCS 14/15(b)(3).

56. Accordingly, individually and on behalf of the Class, Plaintiff respectfully seeks an order: (a) declaring that WorkEasy's actions as set forth herein violate 740 ILCS 14/15(b); (b) awarding injunctive and equitable relief as necessary to protect the Class; (c) finding WorkEasy's conduct intentional or reckless and awarding \$5,000 in damages per violation, per Class member, as authorized by 740 ILCS 14/20(2); (d) awarding Plaintiff and the Class their reasonable attorneys' fees, costs, and other litigation expenses under 740 ILCS 14/20(3); (e) awarding Plaintiff and the Class pre- and post-judgment interest; and (f) awarding such other and further relief as the Court deems equitable and just.

COUNT 3
Violation of 740 ILCS 14/15(d)⁵
On Behalf of Plaintiff and the Class

57. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

⁵ Plaintiff acknowledges that the Court granted WorkEasy summary judgment on this claim, and maintains it herein only for purposes of preservation on appeal in the event that the parties' settlement does not receive final approval.

58. WorkEasy stored the reference templates collected through its cloud-based Biometric Devices on servers it leased from Vault Networks.

59. By storing reference templates collected through its Biometric Devices on servers it leased, WorkEasy possessed Plaintiff's and the Subclass's biometric information. 740 ILCS 14/10.

60. By storing Plaintiff's and the Subclass's biometric information in unencrypted format on servers owned by Vault Networks, WorkEasy disclosed or otherwise disseminated Plaintiff's and the Subclass's biometric information to Vault Networks. 740 ILCS 14/15(d).

61. WorkEasy did not obtain consent prior to disclosing or disseminating Plaintiff's and the Subclass's biometric information. 740 ILCS 14/15(d)(1).

62. WorkEasy's disclosure of Plaintiff's and the Subclass's biometric information did not complete a financial transaction, was not required by law, and was not required by a warrant or subpoena. 740 ILCS 14/15(d)(2)–(4).

63. Accordingly, individually and on behalf of the Subclass, Plaintiff respectfully seeks an order: (a) declaring that WorkEasy's actions as set forth herein violate 740 ILCS 14/15(d); (b) awarding injunctive and equitable relief as necessary to protect the WorkEasy Subclass; (c) finding WorkEasy's conduct intentional or reckless and awarding \$5,000 in damages per violation, per Subclass member, as authorized by 740 ILCS 14/20(2); (d) awarding Plaintiff and the Subclass their reasonable attorneys' fees, costs, and other litigation expenses under 740 ILCS 14/20(3); (e) awarding Plaintiff and the Subclass pre- and post-judgment interest; and (f) awarding such other and further relief as the Court deems equitable and just.

COUNT 4
Violation of 740 ILCS 14/15(e)
On Behalf of Plaintiff and the Subclass

64. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

65. WorkEasy stored the reference templates collected through its cloud-based Biometric Devices on servers it leased from Vault Networks.

66. By storing reference templates collected through its Biometric Devices on servers it leased, WorkEasy possessed Plaintiff's and the Subclass's biometric information. 740 ILCS 14/10.

67. WorkEasy stored Plaintiff's and the Subclass's biometric information without encryption, on servers it leased from a third party, Vault Networks.

68. By storing Plaintiff's and the Subclass's biometric information without encryption on servers owned by Vault Networks, WorkEasy failed to store and protect from disclosure Plaintiff's and the Subclass's biometric information using the reasonable standard of care within the biometric industry. 740 ILCS 14/15(e)(1).

69. Similarly, by storing Plaintiff's and the Subclass's biometric information without encryption on servers owned by Vault Networks, WorkEasy failed to store and protect from disclosure Plaintiff's and the Subclass's biometric information in a manner that is the same as or more protective than the manner in which WorkEasy stores and protects other confidential and sensitive information. 740 ILCS 14/15(e)(2).

70. WorkEasy's failure to encrypt Plaintiff's and the Subclass's biometric information when storing it on Vault Networks' servers resulted in that biometric information being disclosed to Vault Networks without Plaintiff's and the Subclass's consent.

71. Accordingly, individually and on behalf of the Subclass, Plaintiff respectfully seeks an order: (a) declaring that WorkEasy's actions as set forth herein violate 740 ILCS 14/15(e); (b) awarding injunctive and equitable relief as necessary to protect the WorkEasy Subclass; (c) finding WorkEasy's conduct intentional or reckless and awarding \$5,000 in

damages per violation, per Subclass member, as authorized by 740 ILCS 14/20(2); (d) awarding Plaintiff and the Subclass their reasonable attorneys' fees, costs, and other litigation expenses under 740 ILCS 14/20(3); (e) awarding Plaintiff and the Subclass pre- and post-judgment interest; and (f) awarding such other and further relief as the Court deems equitable and just.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the Class, respectfully requests that this Court enter an Order:

- a. Declaring that WorkEasy's violate BIPA Sections 15(a), (b), (c), and (d).
- b. Awarding injunctive and equitable relief as necessary to protect the Class;
- c. Finding WorkEasy's conduct intentional or reckless and awarding \$5,000 in damages per violation, per Class member under 740 ILCS 14/20(2), or, if WorkEasy's conduct does not rise to that standard, \$1,000 per violation, per Class member under 740 ILCS 14/20(1);
- d. Awarding Plaintiff and the Class their reasonable attorneys' fees, costs, and other litigation expenses under 740 ILCS 14/20(3);
- e. Awarding Plaintiff and the Class pre- and post-judgment interest; and
- f. Awarding such other and further relief as the Court deems equitable and just.

JURY DEMAND

Plaintiff demands a trial by jury on all claims and issues so triable.

Dated: December 1, 2025

Respectfully submitted,

s/ J. Dominick Larry
One of Plaintiff's Attorneys

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